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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 11.08.2026

CNR No. DLHC012123822015

+ **CONT.CAS(C) 361/2015 & CM APPL. 2922/2022 (Dir.)**

SUDHIR KUMAR DEEPAKPetitioner

Through: **Mr. Brijendra Kulshrestha,**
Advocate.

versus

**VIMAL WAKHLU PRINCIPAL OFFICER/CMD M/S
TELECOMMUNICATIONS CONSULTANTS INDIA LTD**

.....Respondent

Through: **Mr. Vikalp Mudgal and Mr.
Aditya Mani Sharma,**
Advocates.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 12 of the **Contempt of Courts Act, 1971**¹, alleging non-compliance of the **Order dated 18.04.2012**² passed by this Court in WP(C) 10454/2006, whereby the Application filed by the Petitioner under Section 17B of the **Industrial Disputes Act, 1947**³ was allowed.

2. Learned counsel appearing on behalf of the Respondent, at the outset, raises a preliminary objection as to the maintainability of the present Petition.

3. He submits that the issue is no longer *res integra* and stands

¹ Contempt of Courts Act

² Subject Order

³ Industrial Disputes Act



covered by the judgment of a learned Co-ordinate Bench of this Court in ***Vimal Kumar v. Ramesh Negi & Anr.***⁴, wherein this Court has held that contempt proceedings are not maintainable for alleged non-compliance of an Order passed under Section 17B of the Industrial Disputes Act. He places particular reliance upon Paragraph Nos. 1, 5 and 14 of the said judgment.

4. **Per contra**, learned counsel appearing on behalf of the Petitioner submits that the aforesaid judgment would not operate as a bar in the facts of the present case. He places his reliance upon Paragraph No. 13 of the aforesaid judgment and submits that the said decision itself recognises that, in an appropriate case, where the conduct of the alleged contemnor is such as would independently attract contempt jurisdiction, proceedings for contempt may be maintained.

5. This Court has heard the learned counsel appearing on behalf of the parties and has perused the material placed on record.

6. Since the objection as to maintainability is founded upon the judgment of a learned Co-ordinate Bench of this Court, it would be appropriate to first notice the relevant observations contained therein.

Relevant paragraph nos. 1, 5 & 14 are extracted herein below:

“1. Contempt is averred of the order dated 11th November, 2009 of this Court on an application of the petitioner/relator under Section 17B of the Industrial Disputes Act, 1947 directing the alleged contemnor to pay to the petitioner/relator from the date of the award and till the decision of the writ petition, last drawn wages or minimum wages whichever is higher and on the other terms and conditions stipulated in the order. It is the case of the petitioner that the alleged contemnors are in violation of the said order.

5. I am unable to agree with the counsel for the petitioner that the judgment in *Uma Shankar* is not a precedent for the proposition

⁴ 2011 SCC OnLine Del 1642



that non compliance of order under Section 17B is not contumacious. Undoubtedly, in *Uma Shankar* the writ petition in which the order under Section 17B was made stood dismissed by the time the contempt petition was filed. However, the contempt petition was held to be not maintainable not for the reason of the writ petition having stood dismissed. This Court referred to *T. Sudhakar Prasad v. Govt. of A.P.* JT 2001 (1) SC 204 and to *R.N. Dey v. Bhagyabati Pramanik* 2000(4) SCC 400 deprecating the use of Contempt of Court jurisdiction as a method of executing a decree or implementing an order for which the law provides appropriate remedy. This Court also relied upon *Kishorbhai Dahyabhai Solanki v. Nagjibhai Muljibhai Patel* (2002) II LLJ 1034 Gujarat (DB) and on *Abdul Razack Sahib v. Mrs. Azizunnissa Begum* AIR 1970 Madras 14 to hold that penal sanctions under the contempt procedure should not be invoked for default of compliance with such orders and that the high function of a Court of Justice proceedings by way of Contempt of Court should not be employed as a legal thumbscrew by a party against his opponent for enforcement of his claim. It is on the basis of the said principles that this Court held that the contempt petition did not lie. *Uma Shankar* is thus a precedent on all fours against the maintainability of this petition.

14. Thus looked at from any perspective, the petition cannot be held to be maintainable and is dismissed with liberty to the petitioner/relator to avail of the alternative/appropriate remedy. No order as to costs.”

7. A holistic reading of the aforesaid judgment makes it clear that the contempt jurisdiction of this Court cannot be invoked merely for enforcement of an Order passed under Section 17B of the Industrial Disputes Act. The underlying principle is that the jurisdiction of contempt is intended to uphold the authority of the Court and ensure obedience to its Orders, and cannot be converted into a mechanism for execution or recovery of amounts allegedly due under such Orders where an appropriate remedy is otherwise available.

8. The submission of learned counsel for the Petitioner that Paragraph No. 13 of the aforesaid judgment permits contempt proceedings where the conduct of the alleged contemnor independently warrants exercise of contempt jurisdiction, does not



advance the case of the Petitioner in the facts presently before this Court.

9. The allegation made in the present petition, in substance, pertains to non-payment of the difference in wages allegedly payable pursuant to the Subject Order passed under Section 17B of the Industrial Disputes Act. The alleged non-compliance, therefore, remains intrinsically connected with the implementation and enforcement of the said Order.

10. The Petitioner has not been able to point out any independent act or conduct on the part of the Respondent which, *dehors* the alleged non-payment of the amounts claimed under the Subject Order, would constitute contempt of this Court.

11. In this regard, the submission that the Respondent has conducted itself in a manner which would independently attract contempt jurisdiction also does not find favour with this Court.

12. The conduct alleged against the Respondent, as noticed from the pleadings, does not disclose a situation where the Award of reinstatement is incapable of being implemented or where any independent act of the alleged contemnor can be said to constitute a contumacious disobedience of the Order of this Court.

13. On the contrary, the allegations relied upon by the Petitioner relate to subsequent acts concerning certain amounts which, according to the Respondent, were illegally received after the Petitioner had obtained employment with the Respondent Company. Learned counsel for the Petitioner has also sought to rely upon the alleged transfer of the Petitioner to contend that the same was punitive in nature.

14. However, these allegations, even if taken at their highest, do not



alter the nature of the present proceedings. They do not constitute instances of wilful disobedience of the Subject Order which can be pressed into service for maintaining the contempt proceedings at the initial stage.

15. This Court is, therefore, of the considered view that the judgment of the learned Co-ordinate Bench squarely covers the issue arising in the present Petition.

16. In view of the aforesaid, this Court finds that the present proceedings are not maintainable in contempt jurisdiction. The Petitioner would, however, remain at liberty to avail of such other remedy as may be available to him in law for enforcement of his alleged entitlement.

17. Consequently, the present Petition is dismissed as not maintainable. The Petitioner is at liberty to take appropriate steps as are available to him under law. This Court makes it clear that it has not expressed any opinion on the merits of the issues raised herein.

18. The present Petition, along with pending application(s), if any, stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J

AUGUST 11, 2026/nd/jk